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7590 01/31/2006 ZILKA-KOTAB, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			EXAMINER CHOUDHURY, AZIZUL Q	
			ART UNIT 2145	PAPER NUMBER
DATE MAILED: 01/31/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/803,527

Applicant(s)

MARK J. MCARDLE

Examiner

Azizul Choudhury

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21,24-32 and 41-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21,24-32 and 41-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

This office action is in response to the correspondence received on October 13, 2005.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-21, 24-32 and 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coss et al (US Pat No: US006098172A), in view of Minear et al (US Pat No: US005983350A), hereafter referred to as Coss in view of Minear, respectively.

1. With regards to claims 1, 11 and 21, Coss teaches through Minear, a computerized method for automatically configuring a firewall operating within an individual computer comprising: determining a zone for a network address dynamically assigned to a network adapter in the individual computer; and associating a security policy, for the zone with the network adapter, the security policy specifying the firewall configuration to protect the individual computer; wherein the security policy is defined by a policy file which includes a policy file data structure stored as an XML (extensible markup language) document; wherein a security policy section of the policy file data structure includes an entry

for each security policy that is identified by a policy identifier field and is associated with a network protocol that is identified by a protocol identifier field; wherein the security policy section specifies filters for at least a portion of ports and services defined by the network protocol, and each port and service associated with the security policy is identified by an element identifier field, a field containing filter settings, and a log indicator field; wherein at least one security policy is included for a TCP/IP network and includes a PPTP (point-to-point tunneling protocol), a RIP (routing information protocol), a DHCP (dynamic host configuration protocol), an ARP (address resolution protocol), an Ident (identification protocol), ICMP (internet control message protocol) and VPN (virtual private networking) ports, and a NetBIOS (network basic input/output system) service; wherein a default setting for a high security policy on the TCP/IP network disallows incoming network traffic through the PPTP and ICMP ports, allows incoming network traffic through the RIP, DHCP, ARP and VPN ports, disallows access through the NetBIOS service to shared resources on the individual computer, and disallows the individual computer from using shared resources of other computers on the TCP/IP network, where incoming network traffic that attempts to access the individual computer using PPTP and NetBIOS is logged; wherein a zone section of the policy file data structure includes an entry for each defined address zone and includes an identifier field, an address parameters field that defines the zone, and an identifier field for the security policy assigned to the zone; wherein a default zone is defined by addresses that

are outside another zone; wherein the determining and associating is performed when the network address for the network adapter changes; wherein the security policy associated with the network protocol is specific to the network protocol

(Coss teaches a firewall design. The design disclosure features domain selection for an interface, such as a NIC (column 6, lines 53-61 and column 7, lines 9-11, lines 53-67, Coss) (equivalent to the claimed determining zone trait). The Coss design also features mapping policies to the NIC (column 7, lines 53-67, Coss). Plus, the design has configurable security policies (column 4, lines 17-32, Coss). It is obvious to one skilled in the art that data, such as security policies, can be stored in files, such as XML files. In addition the design features processes executed from memory to protect by filtering data based upon security policies (column 6, lines 49-67, Coss). It is also well known in the art that the highest security policy locks down a device from sending or receiving network data. Additionally, Coss's design allows policies to compensate for address changes (column 7, lines 41-45, Coss). However, much is not said regarding which protocols are covered by the policies.

Minear also teaches a firewall design. The design makes use of policies which act upon a plurality of protocols (claim 8, Minear). The security policies forward data (filter) based upon the protocol at hand.

Both Coss and Minear teach firewall designs. Thus, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Coss with those of Minear, to provide a method for

regulating the flow of messages through a firewall having a network protocol stack..." (column 2, lines 51-54, Minear)).

2. With regards to claims 2, 12 and 24, Coss teaches through Minear, the computerized method further comprising: determining the network address assigned to the network adapter

(Coss's design allows for the determination of the NIC's address (column 6, lines 58-61 and column 7, lines 2-4, Coss). However, much is not said regarding which protocols are covered by the policies.

Minear also teaches a firewall design. The design makes use of policies which act upon a plurality of protocols (claim 8, Minear). The security policies forward data (filter) based upon the protocol at hand.

Both Coss and Minear teach firewall designs. Thus, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Coss with those of Minear, to provide a method for regulating the flow of messages through a firewall having a network protocol stack..." (column 2, lines 51-54, Minear)).

3. With regards to claims 3, 18 and 25, Coss teaches through Minear, the computerized method wherein the zone is defined by a set of network addresses

(Coss's design allows the domain selection (zone selection) to be defined by addresses (column 6, lines 47-67 and column 7, lines 1-4, 61-67, Coss).

However, much is not said regarding which protocols are covered by the policies.

Minear also teaches a firewall design. The design makes use of policies which act upon a plurality of protocols (claim 8, Minear). The security policies forward data (filter) based upon the protocol at hand.

Both Coss and Minear teach firewall designs. Thus, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Coss with those of Minear, to provide a method for regulating the flow of messages through a firewall having a network protocol stack..." (column 2, lines 51-54, Minear)).

4. With regards to claims 4, 19, and 26, Coss teaches through Minear, the computerized method wherein the set of network addresses comprises at least one address within the zone

(Coss teaches that the set of addresses comprises at least one address within the zone (column 7, lines 2-4, Coss). However, much is not said regarding which protocols are covered by the policies.

Minear also teaches a firewall design. The design makes use of policies which act upon a plurality of protocols (claim 8, Minear). The security policies forward data (filter) based upon the protocol at hand.

Both Coss and Minear teach firewall designs. Thus, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Coss with those of Minear, to provide a method for regulating the flow of messages through a firewall having a network protocol stack..." (column 2, lines 51-54, Minear)).

5. With regards to claims 5, 20 and 27, Coss teaches through Minear, the computerized method wherein the set of network addresses comprises at least one address outside the zone

(Coss's design allows for the handling of at least one address outside the zone (column 7, lines 61-67, Coss). However, much is not said regarding which protocols are covered by the policies.

Minear also teaches a firewall design. The design makes use of policies which act upon a plurality of protocols (claim 8, Minear). The security policies forward data (filter) based upon the protocol at hand.

Both Coss and Minear teach firewall designs. Thus, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Coss with those of Minear, to provide a method for regulating the flow of messages through a firewall having a network protocol stack..." (column 2, lines 51-54, Minear)).

6. With regards to claims 6, 13, and 28, Coss teaches through Minear, the computerized method further comprising: assigning the security policy to the zone

(Coss's design allows for the policies to be applied to zones (column 6, lines 48-61, Coss). However, much is not said regarding which protocols are covered by the policies.

Minear also teaches a firewall design. The design makes use of policies which act upon a plurality of protocols (claim 8, Minear). The security policies forward data (filter) based upon the protocol at hand.

Both Coss and Minear teach firewall designs. Thus, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Coss with those of Minear, to provide a method for regulating the flow of messages through a firewall having a network protocol stack..." (column 2, lines 51-54, Minear)).

7. With regards to claims 7, 14 and 29, Coss teaches through Minear, the computerized method further comprising: retrieving the policy file that contains definitions for the zone and the security policy and specifies that the security policy is assigned to the zone

(Coss's design features zone specific policies (column 9, lines 6-9, Coss). However, much is not said regarding which protocols are covered by the policies.

Minear also teaches a firewall design. The design makes use of policies which act upon a plurality of protocols (claim 8, Minear). The security policies forward data (filter) based upon the protocol at hand.

Both Coss and Minear teach firewall designs. Thus, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Coss with those of Minear, to provide a method for regulating the flow of messages through a firewall having a network protocol stack..." (column 2, lines 51-54, Minear)).

8. With regards to claims 8, 15 and 30, Coss teaches through Minear, the computerized method further comprising: creating the policy file from data input by a user

(Coss's design allows for user specified policies (column 4, lines 17-19 and column 11, lines 3-7, Coss). However, much is not said regarding which protocols are covered by the policies.

Minear also teaches a firewall design. The design makes use of policies which act upon a plurality of protocols (claim 8, Minear). The security policies forward data (filter) based upon the protocol at hand.

Both Coss and Minear teach firewall designs. Thus, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Coss with those of Minear, to provide a method for

regulating the flow of messages through a firewall having a network protocol stack..." (column 2, lines 51-54, Minear)).

9. With regards to claims 9, 16 and 31, Coss teaches through Minear, the computerized method further comprising: creating the policy file from data input by an administrator

(Coss's design allows for administrator edited policies (column 4, lines 17-19, Coss). However, much is not said regarding which protocols are covered by the policies.

Minear also teaches a firewall design. The design makes use of policies which act upon a plurality of protocols (claim 8, Minear). The security policies forward data (filter) based upon the protocol at hand.

Both Coss and Minear teach firewall designs. Thus, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Coss with those of Minear, to provide a method for regulating the flow of messages through a firewall having a network protocol stack..." (column 2, lines 51-54, Minear)).

10. With regards to claims 10, 17 and 32, Coss teaches through Minear, the computerized method further comprising: receiving data from a predetermined location on the network through the network adapter; and creating the policy file from the data

(Coss's design allows for the downloading of policies (column 9, lines 6-9, Coss). However, much is not said regarding which protocols are covered by the policies.

Minear also teaches a firewall design. The design makes use of policies which act upon a plurality of protocols (claim 8, Minear). The security policies forward data (filter) based upon the protocol at hand.

Both Coss and Minear teach firewall designs. Thus, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Coss with those of Minear, to provide a method for regulating the flow of messages through a firewall having a network protocol stack..." (column 2, lines 51-54, Minear)).

11. With regards to claim 41, Coss teaches through Minear, the computerized method wherein the network address dynamically assigned to the network adapter is determined by mapping an adapter registry identifier to an associated network address stored in an operating system registry

(Coss's design allows for the downloading of policies (column 9, lines 6-9, Coss). However, much is not said regarding which protocols are covered by the policies.

Minear also teaches a firewall design. The design makes use of policies which act upon a plurality of protocols (claim 8, Minear). The security policies

forward data (filter) based upon the protocol at hand. The claimed addressing trait is simply a form of protocol.

Both Coss and Minear teach firewall designs. Thus, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Coss with those of Minear, to provide a method for regulating the flow of messages through a firewall having a network protocol stack..." (column 2, lines 51-54, Minear)).

12. With regards to claim 42, Coss teaches through Minear, the computerized method wherein the network address dynamically assigned to the network adapter is determined by monitoring network traffic at the network adapter and examining a predefined limited amount of the network traffic to determine the network address

(Coss's design allows for the downloading of policies (column 9, lines 6-9, Coss). However, much is not said regarding which protocols are covered by the policies.

Minear also teaches a firewall design. The design makes use of policies which act upon a plurality of protocols (claim 8, Minear). The security policies forward data (filter) based upon the protocol at hand. The claimed addressing trait is simply a form of protocol.

Both Coss and Minear teach firewall designs. Thus, it would have been obvious to one skilled in the art, during the time of the invention, to have

combined the teachings of Coss with those of Minear, to provide a method for regulating the flow of messages through a firewall having a network protocol stack..." (column 2, lines 51-54, Minear)).

13. With regards to claim 43, Coss teaches through Minear, the computerized method wherein the network address dynamically assigned to the network adapter is determined by receiving a network address from a network adapter device driver when the network adapter connects to the TCP/IP network (Coss's design allows for the downloading of policies (column 9, lines 6-9, Coss). However, much is not said regarding which protocols are covered by the policies.

Minear also teaches a firewall design. The design makes use of policies which act upon a plurality of protocols (claim 8, Minear). The security policies forward data (filter) based upon the protocol at hand. The claimed addressing trait is simply a form of protocol.

Both Coss and Minear teach firewall designs. Thus, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Coss with those of Minear, to provide a method for regulating the flow of messages through a firewall having a network protocol stack..." (column 2, lines 51-54, Minear)).

Response to Remarks

The amendment received on October 13, 2005 has been carefully examined but is not deemed fully persuasive. The amendment consisted of claim amendments, new claims as well as arguments. The new claims describe types of addressing protocols. The Minear art already teaches that a plurality of protocols are acceptable (claim 8, Minear). Hence the new claims are rejected. The claim amendments were performed on the independent claims and detail the now cancelled claim 23 traits along with the trait, "wherein the security policy associated with the network protocol is specific to the network protocol." However, Minear teaches a design that makes use of policies which act upon a plurality of protocols (claim 8, Minear). The security policies forward data (filter) based upon the protocol at hand. As for the arguments, they are addressed below.

The first argument concerns the security policy being stored in an XML file. The examiner has revised the office action to clarify the office's stance on this concern. It is obvious to one skilled in the art that data, such as security policies, can be stored in files, such as XML files.

As for the concern involving the security policy being associated with a network protocol, this argument also is also disagreed upon. Minear teaches a design that makes use of policies which act upon a plurality of protocols (claim 8, Minear). The security policies forward data (filter) based upon the protocol at hand. No limitation is placed on the type of protocol that can be applied. This lack of limitation makes sense

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since numerous network protocols exist and such a design can be incorporated within a variety of protocols.

As for the concern involving the high security policy disallowing network traffic, such a feature is obvious in the art. It is well known in the art that the highest security policy locks down a device from sending or receiving network data.

Finally, the applicant's representative expresses concern over "address outside the zone." When means for dynamic address assignment are permissible, it is obvious that such an address can be outside the zone. And Coss details how the design allows for multiple complex protocols (column 1, lines 61-63, Coss).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Azizul Choudhury whose telephone number is (571) 272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AC



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